IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.1589 of 2010
ANJU DEVI
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.1654 of 2010
SHALIGRAM SINGH
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THE V.C.,TILKA MANJHI BHAGALPUR
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CWJC No.2064 of 2010
SHIV NANDAN PRASAD SINGH
Versus
TILKA MANJHI UNIVERSITY & ORS
WITH
CWJC No.2456 of 2010
AWANINDRA KUMAR SINHA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.3316 of 2010
SMT.ASHA DEVI
Versus
THE TILKA MANJHI BHAGALPUR UNI
WITH
CWJC No.4890 of 2010
DR.(MRS.)REKHA SINHA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.4991 of 2010
JAIPRAKASH SINGH
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.5160 of 2010
DEO KUMAR MISHRA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.6327 of 2010
TARKESHWAR PRASAD SINGH
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BIRENDRA KUMAR SINGH & ORS
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WITH
CWJC No.7032 of 2010
DR.DURGESH NANDINI VERMA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.7365 of 2010
DR.ANJANI KUMAR MISHRA & ORS
Versus
THE T.M.BHAGALPUR UNIVERSITY &
WITH
CWJC No.7456 of 2010
DEO NATH CHOUDHARY & ORS
Versus
THE T.M.BHAGALPUR UNIVERSITY &
WITH
CWJC No.7704 of 2010
DR.USHA PURI & ORS
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.7710 of 2010
DR.RAJIV RANJAN MISHRA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.8028 of 2010
DR.BINOD KUMAR
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.8076 of 2010
VISHESHWAR SINGH & ORS
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.8799 of 2010
DR.MIRZA SARFRAZ HUSSAIN'JOHN'
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.9193 of 2010
MD.QUAMRUL HODA
Versus
THE T.M.BHAGALPUR UNIVERSITY&
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BINAY KUMAR SINGH & ORS
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DR.SUBHASH CHANDRA SINGH & ANR
Versus
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MUKESH KUMAR SINHA
Versus
THE STATE OF BIHAR & ORS

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INDRAPATI PODDAR
Versus
THE STATE OF BIHAR & ORS

WITH

CWJC No.9803 of 2010
DR.KUMARI RENUKA & ORS
Versus
THE STATE OF BIHAR & ORS

WITH

CWJC No.9807 of 2010
PROF.DR.SITARAM SHARMA
Versus
THE T.M.BHAGALPUR UNIVERSITY & ORS

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CWJC No.10016 of 2010
DR.PREM SHANKAR PD.SINGH & ORS
Versus
THE STATE OF BIHAR & ORS

WITH

CWJC No.10031 of 2010
SHIV SHANKER MANDAL @ DR.SHIVE
Versus
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WITH

CWJC No.10094 of 2010
MD.EQBAL
Versus
THE STATE OF BIHAR & ORS

WITH

CWJC No.10130 of 2010
TABASSUM PERWIN & ANR
Versus
THE STATE OF BIHAR & ORS

WITH

CWJC No.12526 of 2010
DR.SANJAY KUMAR JHA
Versus
THE T.M.BHAGALPUR UNIVERSITY &

WITH

CWJC No.9439 of 2010
DR.SARBADA NAND SINGH
Versus
THE T.M.BHAGALPUR UNIVERSITY &

WITH

CWJC No.11960 of 2010
ABINASH KUMAR THAKUR
Versus
THE T.M.BHAGALPUR UNIVERSITY &

WITH

CWJC No.13390 of 2010
DR.KUMAR LAL BAHADUR SINGH
Versus
THE STATE OF BIHAR & ORS

WITH

CWJC No.13817 of 2010
MD.HAROON RASID & ORS
Versus
THE T.M.BHAGALPUR UNIVERSITY &

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CWJC No.13890 of 2010
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Versus
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DR.ARVIND KUMAR & ANR
Versus
THE STATE OF BIHAR & ORS

WITH

CWJC No.14910 of 2010
DR.NUSRAT YUNUS
Versus
THE STATE OF BIHAR & ORS

WITH

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SMT.INDU BALA PODDAR
Versus
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WITH

CWJC No.10281 of 2010
DR.MOHAN MISHRA
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THE STATE OF BIHAR & ORS

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DR.POONAM RANI
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DR.UDAI PRAKASH SINHA
Versus
THE STATE OF BIHAR & ORS
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CWJC No.14035 of 2010
PROF.PRABHU DAYAL RAI & ANR
Versus
L.N.MITHILA UNIVERSITY & ORS
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CWJC No.7418 of 2010
DR.MAMTA RANI THAKUR & ORS
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WITH
CWJC No.10501 of 2010
PROF.DR.KRISHNA CHANDRA MISHRA
Versus
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WITH
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SHARDA DEVI & ORS
Versus
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WITH
CWJC No.7868 of 2010
MD.AFTAB ASHRAF
Versus
THE STATE OF BIHAR & ORS
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TARNI PRASAD SINGH
Versus
THE V.C.,L.N.MITHILA UNIVERSITTY
WITH
CWJC No.7911 of 2010
DR.RAMAWATAR PRASAD
Versus
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DR.NIRMALA JHA
Versus
THE V.C.,L.N.MITHILA UNIVERSITTY
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(DR.)MADHAV CHOUDHARY
Versus
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Versus
THE V.C.,L.N.MITHILA UNIVERSITTY
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CWJC No.7970 of 2010
DR.KAMESHWAR PRASAD SINGH
Versus
THE V.C.,L.N.MITHILA UNIVERSITTY
WITH
CWJC No.8090 of 2010
DR.MAHESH CHANDRA CHAUDHARY
Versus
THE V.C.,L.N.MITHILA UNIVERSITTY
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CWJC No.8108 of 2010
UDAY NARAIN SINGH
Versus
THE V.C.,L.N.MITHILA UNIVERSITTY
WITH
CWJC No.8157 of 2010
DR.(MRS)MANSA KUMARI SULTANIA
Versus
THE V.C.,L.N.MITHILA UNIVERSITTY
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MALTI JHA & ANR
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KRISHNA KUMAR JHA
Versus
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MAHENDRA KUMAR MAHTO
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RADHA GOVIND JHA
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WITH
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DR.BRAJENDRA KUMAR JHA
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WITH
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DR.SYED SAJJAD HAIDER
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WITH
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BALNATH JHA & ORS
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WITH
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PROF.BESH LAL PASWAN
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WITH
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DR.RAM KRISHNA JHA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.8783 of 2010
DR.DAMAN KUMAR JHA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No.8814 of 2010
PROF.DR.MANINDRA KUMAR
Versus
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WITH
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SHIKSHAKETTAR KARAMCHARI SANGH
Versus
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WITH
CWJC No.8867 of 2010
PROF.UMESH CHANDRA CHAUDHARY
Versus

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WITH

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LAKSHMI KANT MISHRA

Versus

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PROF.CHANDRA SEKHAR JHA

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THE STATE OF BIHAR & ORS

WITH

CWJC No.8877 of 2010

PROF.HARE KRISHNA JHA 'HARI'

Versus

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WITH

CWJC No.8914 of 2010

DR.RAM SAGAR SINGH

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THE STATE OF BIHAR & ORS

WITH

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DR.SHIVESH CHANDRA JHA

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PROF.RAMA KANT MISHRA

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KUNDAN KUMAR SINGH

Versus

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WITH

CWJC No.8992 of 2010

DR.AVESH CHANDRA JHA

Versus

THE STATE OF BIHAR & ORS

WITH

CWJC No.9039 of 2010

PROF.BIRENDRA KR.SRIVASTAVA

Versus

THE STATE OF BIHAR & ORS

WITH

CWJC No.9046 of 2010

JIBENDRA DUTTA JHA

Versus

L.N.MITHILA UNIVERSITY & ORS

WITH

CWJC No.9061 of 2010

DR.VIJAY KUMAR MISHRA

Versus

L.N.MITHILA UNIVERSITY & ORS

WITH

CWJC No.9064 of 2010

DR.VIJAY CHANDRA JHA

Versus

THE LALIT NARAYAN MITHILA UNIV

WITH

CWJC No.9117 of 2010

AMARNATH JHA

Versus

L.N.MITHILA UNIVERSITY & ORS

WITH

CWJC No.9123 of 2010

DR.KRISHNAKANT JHA

Versus

L.N.MITHILA UNIVERSITY & ORS

WITH

CWJC No.9135 of 2010

DR.MAHESH JHA

Versus

LALIT NARAYAN MITHILA UNIVERSI

WITH

CWJC No.9140 of 2010

DR.VIDYANAND JHA

Versus

L.N.MITHILA UNIVERSITY & ORS

WITH

CWJC No.9152 of 2010

DR.PRABODH JHA

Versus

L.N.MITHILA UNIVERSITY & ORS

WITH

CWJC No.9155 of 2010

DR.SATYANAND THAKUR

Versus

L.N.MITHILA UNIVERSITY & ORS

WITH

CWJC No.9165 of 2010

DR.ASHARFI KAMATI

Versus

L.N.MITHILA UNIVERSITY & ORS

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DHANESHWAR THAKUR

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WITH
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SHASHI BHUSHAN MISHRA
Versus
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WITH
CWJC No.9485 of 2010
DR.BIBEKA NAND JHA
Versus
THE L.N.MITHILA UNIVERSITY & ORS
WITH
CWJC No.11070 of 2010
DR.MD.QUTUBUDDIN ALAM
Versus
THE V.C.OF L.N.MITHILA UNIVERSITTY
WITH
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LAV KUSH SHARMA & ORS
Versus
THE V.C.,L.N.MITHILA UNIVERSITTY
WITH
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HIRA LAL GUPTA
Versus
THE V.C.,L.N.MITHILA UNIVERSITTY
WITH
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PRATAP NARAYAN ROY
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CWJC No.12871 of 2010
KEWAL KRISHAN LAL DAS
Versus
THE V.C.,L.N.MITHILA UNIVERSITTY
WITH
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PURNA CHANDRA LAL DAS
Versus
THE V.C.,L.N.MITHILA UNIVERSITTY

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05 **26.10.2010** Pursuant to orders of this Court, learned Principal

Secretary, Human Resources Development Department, Government of Bihar is personally present before this Court. There are thousands of cases of Universities Teachers and non-teaching employees pending, claiming arrears of salary and retiral dues. Principally, the claims are based on pay revision, which were effected in the year 1986 and 1996, which remained unsettled till date, as noted in earlier orders the total arrears liability of the State runs beyond Rs.1000/- crores. This Court is not to see as to how and why this arrear mounted and why in two and half decades matters were not resolved and heard. The anxiety of this Court is two fold. Firstly, the arrears should be cleared and, secondly, the cases in this Court reduced to minimal where there is genuine problem in law. Learned Principal Secretary appreciated the anxiety but put forward his own interest in the shape of the public finance. He assured the Court that soon he would take all possible steps to resolve these issues effectively, once and for all, so that people do not have any grievance left, and the Court is not burdened with unnecessary litigation which involves no law. In the hope that such effective steps would be taken this Court is adjourning these matters.

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Learned Principal Secretary agrees that in view of the consistent stand of the State that they are not concerned with individual payments to individual persons by the Universities but at the same time cannot be oblivious of the correctness of payments via-media, for the time being would be that under the specific policy guide lines issued by the State to the Universities and, in particular, their Finance Officers. Universities could scrutinize accounts of

individuals. Those accounts would be served on all staff teaching and non teaching calling for objections. In the meantime, to the extent amount accepted by the Universities from the money received from the State, payment would be made upon an undertaking to be given by the person that in case it is found that any payment is wrongly being made that would be recovered. State would then get the accounts audited and, if they find any discrepancies, they would at the first instance question the Universities and then the person and decide the matter individually. This would leave the person to contest the matter, if he so wants, but this would ensure that payments are not held up at least to the extent it is not in dispute. What this Court find that almost in all cases substantial amount is admitted to be due from 1986 onwards but is to be paid only after High Court's order. This must end, if the Universities find any amount due, it must pay the amount whether the person comes to the High Court or not.

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So far as Universities and the State are concerned, the Universities have to send utilization certificate immediately. Learned Principal Secretary complains that in case of some of the Universities, he has stopped making payments of even current salary because utilization certificates of past few months have not been submitted as yet. This shows inability of the respective Vice Chancellors to manage their University. The respective Vice Chancellors have to pull up their shocks and tighten up their Department and the State cannot be faulted in this regard.

These are only interim orders in the hope that State

would come up with a final solution including computerizing pay rolls of all Universities, which would be worth the cost when we find that installation of computer set up for pay rolls at University level would be negligible compared to enormous delayed payment of interest liability which the University/State has to discharge.

Put up these matters on 29th November, 2010 by when Universities would ensure payments and filing of comprehensive counter affidavits giving full accounts of all the petitioners. State and Universities would also try and comply with orders passed in these cases previously by this Court.

The stand and the co-operation of the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna is appreciated by the Court.

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Trivedi/ **(Navaniti Prasad Singh, J.)**